question the validity of the proposed loan and grant to the respondent county and (b) that the statute under which the loan and grant are proposed to be made is constitutional and the action of the Administrator is authorized by the statute. The same result has been reached by the Circuit Court of Appeals for the Tenth Circuit on the second ground, without consideration of the first, *Kansas Gas & Electric Co.* v. *City of Independence,* 79 F. (2d) 32. The same result has also been reached on the first ground, without consideration of the second, by the Circuit Court of Appeals for the Eighth Circuit in *Arkansas-Missouri Power Co.* v. *City of Kennett,* 78 F. (2d) 911, and by the Court of Appeals for the District of Columbia in *Alabama Power Co.* v. *Ickes,* pending on writs of certiorari granted June 1, 1937, Nos. 84, 85, and 86, present term.

Because of the pendency of the *Alabama Power Co.* cases, *supra,* the Court may wish to consider the instant case at the same time.

Respectfully submitted.

STANLEY REED,
Solicitor General.

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